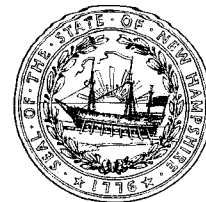




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

June 29, 2006

CERTIFIED MAIL
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RETURN RECEIPT REQUESTED

NOTICE OF PAST VIOLATION

Enviro-Safe Corporation
263 Howard Street
Lowell, MA 01852-4439

Attn: Kevin Poulin, Technical Sales Representative

Re: Enviro-Safe Corporation
Nashua, New Hampshire
EPA ID # NHD500004247

Dear Mr. Poulin:

On May 17, 2006, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of the Nashua Household Hazardous Waste Collection Facility which is operated by Enviro-Safe Corporation ("Enviro-Safe") in Nashua, New Hampshire. The purpose of the inspection was to determine Enviro-Safe's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiencies in Enviro-Safe's hazardous waste management program were documented:

1. Env-Wm 509.02(a)(1) - Inspection Requirements

A review of Enviro-Safe's Hazardous Waste Inspection Checklist ("Checklist") revealed that the Checklist did not include the frequency of inspections.

Env-Wm 509.02(a)(1), which references 40 CFR 265.15, General Inspection Requirements, requires full quantity generators to conduct and document inspections of the facility, including the hazardous waste storage area(s). Per 40 CFR 265.15(b)(4), the inspection records must include the frequency of inspections. 40 CFR 265.174 requires the owner or operator to inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors.

DES requested that Enviro-Safe update its Checklist to include the frequency of inspections.

In an e-mail dated May 18, 2006, from Enviro-Safe, Kevin Poulin, Technical Sales Representative, provided an updated copy of Enviro-Safe's Checklist, which included the frequency of inspections. No further action is required.

2. Env-Wm 509.02(a)(3) - Requirements for Ignitable and Reactive Wastes

At the time of the inspection, Enviro-Safe had not posted a "No Smoking" sign near the hazardous waste storage area ("HWSA"), which is used to store ignitable wastes.

Env-Wm 509.02(a)(3), which references 40 CFR 265.17, requires that generators post a "No Smoking" wherever there is a hazard from ignitable or reactive waste.

DES requested that Enviro-Safe post a "No Smoking" sign at the HWSA.

In an e-mail dated May 17, 2006, Sally Hyland, Recycling Coordinator for the City of Nashua, stated that a "No Smoking" sign has been affixed to the gate. No further action is required.

3. Env-Wm 509.02(a)(5) - Contingency Plan

At the time of the inspection, Enviro-Safe's contingency plan was determined to be incomplete. Specific deficiencies are listed in the attached Contingency Plan Module.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requested that Enviro-Safe revise and update its contingency plan to correct any deficiencies as identified in the enclosed Contingency Plan Module.

In an e-mail dated June 2, 2006 from Enviro-Safe, Martin Gaffney, Technical Sales Representative, provided a complete contingency plan. No further action is required.

DES believes the deficiencies identified during the inspection have been corrected and acknowledges receipt of documents that corroborate the corrective measures taken by Enviro-Safe to achieve compliance. Accordingly, no further action in response to the listed deficiencies is required. However, DES personnel may re-inspect your facility at a later date to determine whether the facility is maintaining full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of the facility.

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This report will be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.


The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, the Division currently maintains a Hazardous Waste Assistance Hotline which is available for the public to contact our knowledgeable staff of hazardous waste inspectors. The hazardous waste staff members are available to answer questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program, including the administrative plans and documents required under the Hazardous Waste Rules. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets on specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policies, regulatory interpretation letters and networking with other state or federal agencies to answer any questions at a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM toll-free at (1-866) HAZ-WAST (in-state only) or at (603) 271-2942.

If you believe that the deficiencies documented in this NOPV have been cited in error, or if you have any questions regarding this letter, please contact the lead inspector, Tammy Calligandes, or Tod Leedberg, RCRA Compliance Supervisor at 271-2942. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Duclos", is written over the word "COPY".

John J. Duclos, Administrator
Hazardous Waste Compliance Bureau
Waste Management Division

cc: DB/RCRA/NOPV/Archives
Anthony P. Giunta, P.G., Director, WMD/ Paul L. Heirtzler, P.E., Esq., Administrator, Waste Management Programs
Gretchen Hamel, Administrator, DES Legal Unit
Sally Hyland, City of Nashua, Recycling Coordinator, 840 West Hollis St., Nashua, NH 03062
Danielle Fillis, Nashua Regional Planning Commission, P.O. Box 847, Nashua, NH 03061-0847

E-mail: JJD/SD

Enclosure: Hazardous Waste Generator Inspection Report